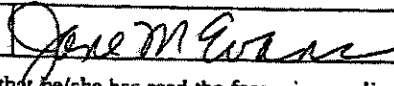


# EXHIBIT “I”

## APPLICATION FOR ADDITION AND ALTERATIONS TO EXISTING BUILDING

Application is hereby made to the Building Department of the Town of Mamaroneck, for the approval of the detailed statement of specifications and plans herewith submitted for the addition or alteration of the building herein described. All provisions of the Building Code shall comply with in the erection of said building whether specified herein or not.

In making the application for the approval of plans the following drawings must be furnished: Plans of all floors, including cellar basement; elevation showing height of stories, longitudinal or transverse section, or both if necessary; all plans must be drawn to a uniform scale not than one-quarter inch to the foot, and proposed new work must be clearly distinguished from old by conventional methods, building line or lines must clearly and distinctly indicated on the drawings; give lot and block numbers of premises, also diagram of same.

Location of Building		5 Huguenot Drive				Zone District		7.5	
Section	1	Block	130	Parcel	415	Value of Proposed Work		10,000	
Size of Project	Area (sq. ft.)			Length		Width		Height	
Location in Relation to Existing Building		Rear Yard							
Existing Front Setback		Proposed		Existing Height of Building		Proposed			
Existing Sideline		Proposed		Lot Coverage (ALL Impervious Areas)		%	Proposed		
Existing Sideline		Proposed		Existing Total Both Side Yards			Proposed		
Existing Rear Yard		Proposed		No. of Stories Existing			Proposed		
Size of Lot: Frontage		ft.	Width		ft.	Depth		ft.	Area
Use of Premises or No. of Families		Existing				Proposed			
Will There be Additional Plumbing Fixtures?		(Yes)___	(No) <input checked="" type="checkbox"/>	How Many?		Will There be Electrical Work?		(Yes)___	(No)___
Description of Project:		Remove secondary section of wall and excavate behind existing stone wall. Reconstruct with concrete and reinforcing to same height. Remove pavement a least five (5) feet. Extend height of stone wall in southeastern area to level grade. Install drains and retention units.							
NAME		ADDRESS				TELEPHONE #			
OWNER	JANE EVANS Douglas Mason 5 Huguenot Dr. Larchmont 914 630 1253								
ARCHITECT PE	Vincent Masucci 443 Westchester Ave, White Plains, NY 10604 914-261-3102								
BUILDER	MICHAEL BELANTONI								
HOME IMPROVEMENT LICENSE #									
PLUMBER									
Applicant/Owner (sign here)						being duly sworn deposes and says			
That he/she is the applicant named above; that he/she has read the foregoing application and knows the content to be true except those which are stated of information and belief and as to those matters he/she believes to be true.									

NOTE: A Certificate of Occupancy and an Electrical Certificate of Approval are required prior to occupancy or use the structure or affected areas.

Filing Fee \_\_\_\_\_

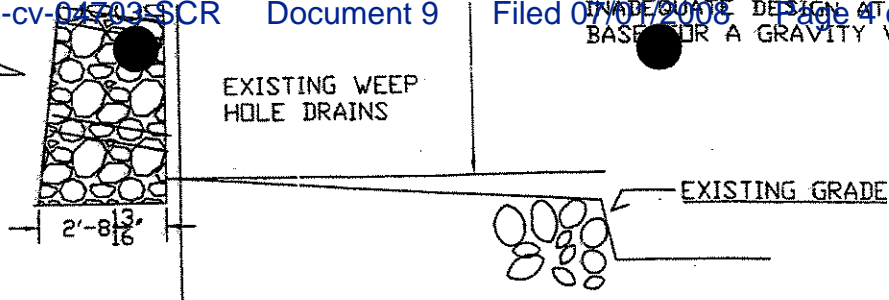
Permit Fee \_\_\_\_\_

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR <u>JANE M. EVANS</u>	2. PROJECT NAME XXXXX
3. PROJECT LOCATION: Municipality <u>Town of Mamaroneck</u> County <u>Westchester</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>5 Huguenot Drive Larchmont NY 10538</u> <u>914630 1253</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Repair RETAINING WALL</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>JANE M. EVANS</u> Date: <u>17 Sept '07</u> Signature: <u>Jane M. Evans</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

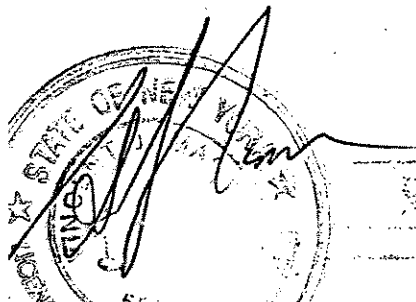


## SECTION FOR EXISTING STONE RETAINING WALL

SCALE 1/4" = 1'-0"

**NOTE:** EXISTING WALL HAS CRACKS AND BLOCK WALL IS LEANING FORWARD. EXISTING WALL HAS TIEBACKS THAT HAVE RUSTED. STONE WALL THICKNESS MEASURES ABOUT 30" IN DEPTH AND WALL APPEARS TO BEAR ON ROCKLEDGE BELOW.

### PROPOSAL TO REINFORCE EXISTING RETAINING WALL



EVANS/MASON RESIDENCE  
5 HUGUENOT DRIVE  
LARCHMONT, N.Y.

SCALE	APPROVED BY:	DRAWN BY
DATE 06/11/2007		REVISED
PROPOSED STORMWATER MANAGEMENT FOR		

SEP 17 2007

## EXISTING STONE WALL CALCULATIONS (without upper block wall):

$$W(1) = 18"/12"/' \times 10' \times 150\text{PCF} = 2250 \text{ PLF (First section of wall)}$$

$$W(2) = 14"/12"/' \times 10' \times \frac{1}{2} \times 150\text{PCF} = 875 \text{ PLF (Second section of wall)}$$

$$W \text{ (total)} = 3125 \text{ PLF}$$

$$P \text{ (h)} = 50\# \times 0.286 = 14.3 \text{ PSF (soil surcharge pressure)}$$

$$P = A \times 33.3 \text{ PSF} \times h = 10 \times 33.3 \times 10'/2 = \text{(horizontal force).}$$

$$P \text{ (total)} = 1665 + 14.3 \times 10' = 1808 \text{ PLF}$$

### Overturning Moment at point "A"

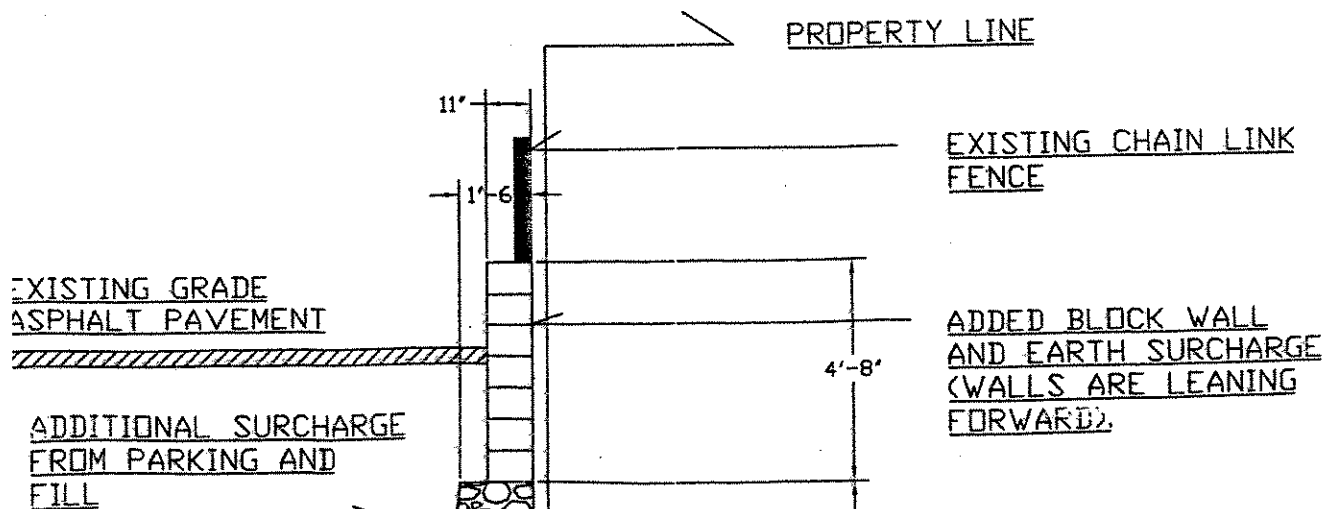
$$1808 \times 10/3 = 6027 \text{ ft-lbs}$$

### Resisting Moment at point "A"

$$R = 2250 \times 18/2/12 + 875 \times 25/12 = 1688 + 1823 = 3511 \text{ ft-lbs.}$$

**FACTOR OF SAFETY** =  $3511 / 6027 = 0.58$  which is less than 1.5 minimum.

Therefore, the existing wall is not stable and requires **ADDITIONAL** reinforcing.



SEP 17 2007

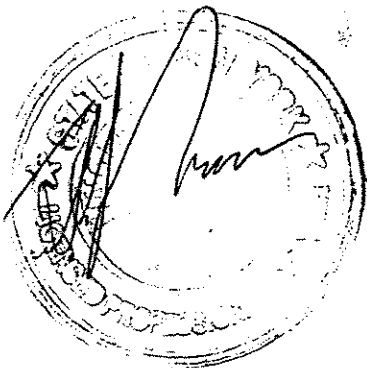
## SPECIAL NOTATIONS:

- 1 USE EXISTING DRIVEWAY FOR ACCESS OF EQUIPMENT. MAINTAIN ROADWAY CLEAN OF DIRT AND DEBRIS.
- 2 MAINTAIN MINIMUM TEN (10) FOOT SETBACKS FOR ANY RETENTION UNITS INSTALLED.
- 3 ALTERATIONS WILL NOT INCREASE GRADING TOWARD ADJACENT PROPERTIES.
- 4 SOIL TO BE STABILIZED FROM EROSION.
- 5 EXISTING STONE WALL HAS A MAXIMUM HEIGHT OF TEN (10) FEET WITH A BLOCK WALL ON TOP FOR AN ADDITIONAL 4'-8" PART OF WHICH IS A 22" PARAPET WALL FROM THE ASPHALT TO THE TOP. A CHAIN LINK FENCE IS ON TOP OF THE BLOCK WALL. THE BLOCK SECTION OF THE WALL SHOWS SIGNS OF BULGING WHILE THE EXISTING STONE WALL BELOW HAS CRACKS AND TIE RODS PENETRATING THE EARTH BEHIND THE WALL. THESE TIE ANCHOR RODS ARE RUSTING THROUGH AND ARE NO LONGER RELIABLE. MEASUREMENTS WERE TAKEN OF THE WALL BY MEANS OF THE WEEP HOLES AT THE BASE. IT APPEARS THAT THE WALL THICKNESS MAY ONLY BE A MAXIMUM OF 32". CALCULATIONS FOR OVERTURNING FOR A GRAVITY WALL WITHOUT THE ADDITIONAL SURCHARGE OF THE BLOCK EXTENDED WALL ABOVE AND THE SURCHARGE FROM THE VEHICLE PARKING AND ANGLE OF INCLINE WOULD FAIL THE FACTOR OF SAFETY TEST. A SIMPLE FIX OF THE UPPER WALL WOULD NOT BE ENOUGH.
- 6 IT IS RECOMMENDED THAT THE BLOCK WALL BE REMOVED, AN ADDITIONAL FIVE (5) FEET OF STONE WALL BE REMOVED AND THE REMAINING WALL EXCAVATED TO PROVIDE FOR A POURED CONCRETE BASE AND CAP THE EXISTING STONE WALL WITH REINFORCING RODS.
- 7 AN ADDITIONAL REINFORCED CONCRETE WALL TO BE POURED 18" THICK WITH WEEP HOLES. A GRAVEL BASE WITH GEOTECK FABRIC ON TOP TO ALLOW FOR A SOIL PLANTER AREA AND A GRAVEL BASE WITH DRIVEWAY DRAIN ALLOWING FOR PVC PIPES TO DIRECT WATER INTO A RETENTION AREA IN THE REAR YARD WHERE THE RETAINING WALL IS ONLY ABOUT FIVE (5) FEET IN HEIGHT.
- 8 THE CONTRACTOR AND OWNER SHALL OBTAIN WRITTEN PERMISSION FROM THE ADJACENT PROPERTY BELOW TO PROTECT, MAINTAIN AND RESTORE PROPERTY FROM ANY DAMAGE DUE TO CONSTRUCTION. SOIL STORAGE ON SITE TO BE PROTECTED FROM ERODING ONTO ADJACENT PROPERTIES.
- 9 CONTRACTOR TO SECURE SITE WHILE EXCAVATING AND PROTECT WORKERS AND THE BUILDING STRUCTURE FROM SOIL SHIFTING BY SHORING, COVERING AND ALL OTHER RECOGNIZED STANDARDS. NO WORKERS ARE TO ENTER AN EXCAVATED AREA FOUR FEET OR MORE IN DEPTH WITHOUT THE SOIL BEING FIRST SECURED.

SECTION "B-B"  
SCALE 1/4" = 1'-0"

PROPOSAL TO REINFORCE EXISTING RETAINING WALL

EVANS/MASON RESIDENCE 5 HUGUENOT DRIVE LARCHMONT, N.Y.		
SCALE: 1" = 20'	APPROVED BY:	DRAWN BY
DATE: 06/11/2007		REVISED
VINCENT J. MASUCCI, P.E.		DRAWING NUMBER 102



# EXHIBIT “J”

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
GARY R. ROTENBERG and JANE J. DICKSON,

Plaintiff(s),

-against-

THE TOWN OF MAMARONECK, RONALD A.  
CARPANETO, (individually), JAYNE GREENWALD  
and BLAINE GREENWALD

Defendant(s).

-----X  
STATE OF NEW YORK        )  
                              : SS  
COUNTY OF WESTCHESTER)

Index No.: 12167/07

**AFFIDAVIT OF  
RONALD A. CARPANETO**

RONALD A. CARPANETO, being duly sworn deposes and says:

1. I am the Director of Building Code Enforcement and Land Use Administration for the Town of Mamaroneck and have held that position for 10 years.
2. I submit this affidavit based on my knowledge of the facts and circumstances surrounding the claims being made against me and the Town, as well as the documents involved in this matter.
3. I submit this affidavit in support of the motion being made by counsel on behalf of myself and the Town to dismiss the plaintiffs' complaint.
4. As part of my duties and responsibilities as the Director of Building Code Enforcement and Land Use Administration, I respond to complaints made by concerned citizens regarding issues in the Town. I help to protect the safety of Town residents and add to residents' quality of life by helping to ensure compliance with municipal regulations. I am

authorized by the Town to issue Notices of Violation. In the event that the Notices are not corrected, I am authorized by the Town to issue a Summons.

5. Sometime in April 2006, I was contacted by Jayne and Blaine Greenwald because they were concerned about the structural integrity of the retaining wall located between the Greenwald's property located at 2 Lafayette Road and the property formerly owned by the plaintiffs (hereinafter "the Rotenbergs"), located at 5 Huguenot Drive.

6. There is no dispute that the wall is located on the Rotenbergs' property, 5 Huguenot Drive.

7. After several visits to the property, I determined, based on a visual inspection, that the wall did not appear safe and could potentially cause damage to the Greenwald's property or worse, result in personal injury.

8. The wall, which is approximately 20' high, is made partially of stone on the lower half and cinderblock on the upper portion. There is some cracking in the lower portion where water comes through. But my main concern was that the top portion shifted out over the edge of the stone and there was a difference of four or five inches on the face of the wall. The wall appeared to be leaning. Also, the tie backs were rusted.

9. Based on my opinion that it was in the public's interest that the wall be repaired, I issued a Notice of Violation, dated June 23, 2006 to the Rotenbergs. A copy of the Notice is annexed hereto as Exhibit A.

10. The Notice of Violation indicated a violation of NY State Code PM302.7 in that all Accessory Structures, including walls, must be maintained structurally sound and in good repair.

11. Although the Notice gave the plaintiffs until July 3, 2006 to remedy the condition, in fact the Town gave them much more time. It was not until September 29, 2006 that a Final Notice was sent to the Rotenbergs. A copy of the Notice is annexed hereto as Exhibit B.

12. The Rotenbergs made no effort to correct the problem or contact the Town to discuss the matter.

13. On October 17, 2006, a summons was issued by the Town to the Rotenbergs for their failure to correct the Violation. A copy of the Summons is annexed hereto as Exhibit C.

14. At around the time the plaintiffs hired John Annunziata, P.E., P.C. who submitted a report (copy attached hereto as Exhibit D) that the wall was stable, the Town hired Anthony Oliveri, P.E. to examine the wall. A copy of Oliveri's report dated October 26, 2006 is annexed hereto as Exhibit E. Oliveri advised that a qualified structural engineer should evaluate the wall. He found the wall's stability to be questionable.

15. On November 20, 2006, a hearing was held and the Violation was dismissed. (A copy of the transcript is annexed hereto as Exhibit F).

16. Although the Judge dismissed the Violation, she did indicate that the wall looks troubling to her (Exhibit F, p. 171, line 2), that the condition will not improve over time (Exhibit F, p. 173, lines 11-13) and the parties should work together to correct the problem. Furthermore, she suggested that the Town continue to "keep an eye" on the property. (Exhibit F, p. 173, lines 10-12).

17. On November 21, 2006, structural engineers Grigg & Davis Engineers, P.C., visited the premises and prepared a report. A complete copy of the report is annexed hereto as Exhibit G.

18. The report gives specific details of the structural problems with the wall and specific recommendations on what needs to be done to make the wall safe. Until the recommendations are complied with, Grigg and Davis opines that the wall is dangerous.

19. The Violation and the Summons issued to the Rotenbergs were not intended to harass or harm the Rotenbergs. My sole intention was to make sure that necessary repairs were made to the wall so that there was no injury to people or property.

20. I did not know that the Rotenbergs had a contract to sell their house and I had no intention of interfering with the sale of their property.

21. I did not personally know either the Rotenbergs or the Greenwalds prior to this matter and did not confer with either couple before issuing the Violation or the Summons to the Rotenbergs.

22. Based on the above, the Rotenbergs have failed to set forth any viable claims against me or the Town and their complaint should be dismissed accordingly.

  
RONALD A. CARPANETO

Sworn to before me this 13th  
day of September, 2007.

  
NOTARY PUBLIC

**MICHELLE T. IANNARELLI**  
**NOTARY PUBLIC - STATE OF NEW YORK**  
**NO. 011A5165425**  
**QUALIFIED IN WESTCHESTER COUNTY**  
**MY COMMISSION EXPIRES MAY 7, 2011**

EXHIBIT “K”

To: Gary & Jane RotenbergAddress: 5 Huguenot DriveCity: Larchmont, NY 10538

You are hereby directed to appear before the presiding Justice of the Town Court of Mamaroneck, at the Court house at 740 W. Boston Post Road, New York at 7:00 pm O'Clock.

of the: 30th day of October, 2006, to answer the charge  
that on the 3rd day of July, 2006 at \_\_\_\_\_  
5 Huguenot Drive Block: 130 Lot: 415

You did committ a violation of Property Maintenance Code 302.7 of New York State - Accessory Structures - All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

of the Town of Mamaroneck

Upon your failure to appear a warrant may be issued for your arrest.

Date: October 17, 2006

Issued By: \_\_\_\_\_

Title: Building Inspector

STATE OF NEW YORK : COUNTY OF WESTCHESTERTOWN \_\_\_\_\_ COURT \_\_\_\_\_ TOWN \_\_\_\_\_ OF MAMARONECKThe People of the State of New York

against

Gary & Jane Rotenberg

Defendant

**Information**Ronald Carpaneto, Director of Building with offices \_\_\_\_\_, ~~residing~~740 W. Boston Post Road, Mamaroneck, New York 10543, by this information make  
written accusation as follows:That Gary & June Rotenberg, on the 3rd  
day of July, 2006, at 5 Huguenot Drive  
(Location)in the Town of MamaroneckCounty of Westchester, New York, ccommit the offense of Property Maintenance - Accessory Structures\_\_\_\_\_, a (misdemeanor) (violation) in violation of Section 302.7of the NYS Prop. Maint. Law of the State of New York, in that (s)he did, at the aforesaid time and plac

Count One:

The facts upon which this information is based are as follows:

July 3, 2006	- Violation Issued
September 29, 2006	- Final Notice of Violation Issued
October 17, 2006	- Summons Issued